

REMARKS

The Examiner is thanked for the careful examination of the application. The Examiner has withdrawn the previous rejections and has issued a new ground of rejection based on U.S. Patent No. 4,675,012, hereinafter Rooyakkers. New claims 29 - 33 have been added. In view of the remarks that follow, the Examiner is respectfully urged to reconsider and withdraw the outstanding rejections.

Art Rejections:

Claims 1, 2, 6-14, 16, 18-20 and 23-28 have been rejected under 35 U.S.C. §102(b) as being anticipated by Rooyakkers. Rooyakkers discloses a pouch 40 that is held in place by a typical male brief or undergarment 44 for incontinence protection. The pouch 40 is formed by enclosing a coform absorbent material between a backing sheet and a permeable body side sheet. See column 3, lines 39-42. At the middle of page 3 of the Official Action, it appears that the Examiner is taking the position that the absorbent material in device 40 of Rooyakkers corresponds to the claimed "liquid barrier." The Examiner states that the absorbent material prevents leakage toward the crotch section of the briefs. There is no teaching or suggestion that the absorbent material within the Rooyakkers device would function as a barrier to liquid. In fact, the absorbent material would likely function in the opposite manner, in that it would draw the liquid into it. Furthermore, there is no structure to prevent liquid from passing through the material. Claim 1 states that the liquid barrier is arranged to prevent urine from leaking from the surface of the absorption body. The Examiner alleges that the liquid barrier is the Rooyakkers absorption body. However, there is no structure in Rooyakkers that

would prevent urine from leaking from the surface of the absorption body. Similar arguments pertain to claim 26, which defines the liquid barrier arranged at the narrower end section of the absorption body so as to prevent urine emitted from the user from leaking from the surface of the absorption body towards the crotch region of the user.

To further clarify the differences between the present invention and Rooyakkers, new dependent claims have been added which depend from both claim 1 and claim 26 which further define the liquid barrier as being liquid impermeable.

Accordingly, claims 1 and 26 are patentable over Rooyakkers. Claims 2, 6-14, 16, 18-20, 23-25 and 27-28 depend from either claim 1 or claim 26, and are thus also patentable over Rooyakkers.

Claims 3-5 and 28 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Rooyakkers in view of U.S. Patent No. 6,023,789, hereinafter Wilson. However, the Examiner relies upon Wilson merely for its teaching of material having an elastic waistband. Accordingly, Wilson does not otherwise overcome the deficiency of Rooyakkers. Since claims 3-5 and 28 depend from either claim 1 or claim 26, claims 3-5 and 28 are also patentable over the applied prior art.

Claim 17 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Rooyakkers. However, claim 17 depends from claim 1, and is thus also patentable over Rooyakkers at least for the reasons set forth above with respect to claim 1.

Claims 21 and 22 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Rooyakkers in view of U.S. Patent No. 5,486,168, hereinafter

Runeman. However, Runeman does not otherwise overcome the deficiency of the rejection of claim 1 based on Rooyakkers.

Accordingly, in view of the foregoing amendments and remarks, the Examiner is respectfully requested to reconsider and withdraw the outstanding rejections.


To further define the protection to which applicants are entitled, new claims 29 – 33 have been added. Claims 29 - 33 depend from claim 1 or 26. Accordingly, the new claims are also patentable over the applied art.

In the event that there are any questions concerning this response, or the application in general, the Examiner is respectfully urged to telephone the undersigned attorney so that prosecution of the application may be expedited.

Respectfully submitted,

BUCHANAN INGERSOLL PC

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By: 
William C. Rowland
Registration No. 30,888

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620